



General Assembly

January Session, 2003

Committee Bill No. 292

LCO No. 4186

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows:

5 (1) "Child" means any person under [~~sixteen~~] eighteen years of age;
6 [and, for purposes of delinquency matters, "child"]

7 (2) "Delinquent child" means any person [(A) under sixteen years of
8 age, or (B) sixteen years of age or older] who, prior to attaining
9 [~~sixteen~~] eighteen years of age, has violated any federal or state law or
10 municipal or local ordinance, other than an ordinance regulating
11 behavior of a child in a family with service needs, and [, subsequent to
12 attaining sixteen years of age,] who violates any order of the Superior
13 Court or any condition of probation ordered by the Superior Court
14 with respect to such delinquency proceeding;

15 [(2) "youth"] (3) "Youth" means any person sixteen or seventeen

16 years of age;

17 [(3) "youth in crisis"] (4) "Youth in crisis" means any youth who,
18 within the last two years, (A) has without just cause run away from the
19 parental home or other properly authorized and lawful place of abode,
20 (B) is beyond the control of parents, guardian or other custodian, or (C)
21 has four unexcused absences from school in any one month or ten
22 unexcused absences in any school year;

23 [(4) "abused"] (5) "Abused" means that a child or youth (A) has been
24 inflicted with physical injury or injuries other than by accidental
25 means, or (B) has injuries that are at variance with the history given of
26 them, or (C) is in a condition that is the result of maltreatment such as,
27 but not limited to, malnutrition, sexual molestation or exploitation,
28 deprivation of necessities, emotional maltreatment or cruel
29 punishment;

30 [(5) a] (6) A child may be found "mentally deficient" who, by reason
31 of a deficiency of intelligence that has existed from birth or from early
32 age, requires, or will require, for [his] such child's protection or for the
33 protection of others, special care, supervision and control;

34 [(6) a] (7) A child may be convicted as "delinquent" who has
35 violated (A) any federal or state law or municipal or local ordinance,
36 other than an ordinance regulating behavior of a child in a family with
37 service needs, (B) any order of the Superior Court, or (C) conditions of
38 probation as ordered by the court;

39 [(7) a] (8) A child or youth may be found "dependent" whose home
40 is a suitable one for the child or youth, save for the financial inability of
41 parents, parent, guardian or other person maintaining such home, to
42 provide the specialized care the condition of the child or youth
43 requires;

44 [(8) "family with service needs"] (9) "Family with service needs"
45 means a family that includes a child who (A) has without just cause

46 run away from the parental home or other properly authorized and
47 lawful place of abode, (B) is beyond the control of parent, parents,
48 guardian or other custodian, (C) has engaged in indecent or immoral
49 conduct, (D) is a truant or habitual truant or who, while in school, has
50 been continuously and overtly defiant of school rules and regulations,
51 or (E) is thirteen years of age or older and has engaged in sexual
52 intercourse with another person and such other person is thirteen
53 years of age or older and not more than two years older or younger
54 than such child;

55 [(9) a] (10) A child or youth may be found "neglected" who (A) has
56 been abandoned, or (B) is being denied proper care and attention,
57 physically, educationally, emotionally or morally, or (C) is being
58 permitted to live under conditions, circumstances or associations
59 injurious to the well-being of the child or youth, or (D) has been
60 abused;

61 [(10) a] (11) A child or youth may be found "uncared for" who is
62 homeless or whose home cannot provide the specialized care that the
63 physical, emotional or mental condition of the child requires. For the
64 purposes of this section, the treatment of any child by an accredited
65 Christian Science practitioner in lieu of treatment by a licensed
66 practitioner of the healing arts, shall not of itself constitute neglect or
67 maltreatment;

68 [(11) "delinquent act"] (12) "Delinquent act" means the violation of
69 any federal or state law or municipal or local ordinance, other than an
70 ordinance regulating the behavior of a child in a family with service
71 needs, or the violation of any order of the Superior Court;

72 [(12) "serious juvenile offense"] (13) "Serious juvenile offense" means
73 (A) the violation, [by a child,] including attempt or conspiracy to
74 violate, [sections] by a child of section 21a-277, 21a-278, 29-33, 29-34,
75 29-35, 53-21, 53-80a, 53-202b [,] or 53-202c, sections 53-390 to 53-392,
76 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, or
77 53a-70 to 53a-71, inclusive, section 53a-72b [,] or 53a-86, sections 53a-92

78 to 53a-94a, inclusive, section 53a-95, 53a-101, 53a-102a [,] or 53a-103a,
79 sections 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a)
80 of section 53a-122, subdivision (3) of subsection (a) of section 53a-123,
81 section 53a-134, 53a-135, 53a-136a, 53a-166 [,] or 53a-167c, subsection
82 (a) of section 53a-174 [,] or section 53a-196a, 53a-211, 53a-212, 53a-216
83 or 53a-217b, or (B) running away, without just cause, from any secure
84 placement other than home while referred as a delinquent child to the
85 Court Support Services Division or committed as a delinquent child to
86 the Commissioner of Children and Families for a serious juvenile
87 offense;

88 [(13) "serious juvenile offender"] (14) "Serious juvenile offender"
89 means any child convicted as delinquent for commission of a serious
90 juvenile offense;

91 [(14) "serious juvenile repeat offender"] (15) "Serious juvenile repeat
92 offender" means any child charged with the commission of any felony
93 if such child has previously been convicted delinquent at any age for
94 two violations of any provision of title 21a, 29, 53 or 53a that is
95 designated as a felony;

96 [(15) "alcohol-dependent child"] (16) "Alcohol-dependent child"
97 means any child who has a psychoactive substance dependence on
98 alcohol as that condition is defined in the most recent edition of the
99 American Psychiatric Association's "Diagnostic and Statistical Manual
100 of Mental Disorders"; and

101 [(16) "drug-dependent child"] (17) "Drug-dependent child" means
102 any child who has a psychoactive substance dependence on drugs as
103 that condition is defined in the most recent edition of the American
104 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
105 Disorders", [. No] provided no child shall be classified as drug
106 dependent who is dependent (A) upon a morphine-type substance as
107 an incident to current medical treatment of a demonstrable physical
108 disorder other than drug dependence, or (B) upon amphetamine-type,
109 ataractic, barbiturate-type, hallucinogenic or other stimulant and

110 depressant substances as an incident to current medical treatment of a
111 demonstrable physical or psychological disorder, or both, other than
112 drug dependence.

This act shall take effect as follows:	
Section 1	October 1, 2003

Statement of Purpose:

To provide more appropriate settings for youth by raising from sixteen to eighteen the age at which a juvenile is subject to the jurisdiction and sanctions of adult court rather than juvenile court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HANDLEY, 4th Dist.

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